

IC 20-4

**ARTICLE 4. REORGANIZATION OF
ADMINISTRATION OF ELEMENTARY AND
SECONDARY SCHOOLS**

IC 20-4-1

Chapter 1. Community School Corporations

IC 20-4-1-1

Purpose and policy of school reorganization

Sec. 1. It is the sense of the Indiana general assembly:

- (1) that the establishment and maintenance of a general, uniform, and efficient system of public schools is the traditional and current policy of the state of Indiana;
- (2) that improvement in the organization of school corporations of the state will provide a more equalized educational opportunity for public school pupils, will achieve greater equity in school tax rates among the inhabitants of the various now existing school corporations, and will provide a more effective use of the public funds expended for the support of the public school system;
- (3) that existing statutes with respect to the combination and the reorganization of school corporations are inadequate to effectuate the needed improvement;
- (4) that modifications in the statutory provisions for the combination and the reorganization of school corporations provided in this chapter are necessary in order to assure the future maintenance of a uniform and efficient system of public schools in the state;
- (5) that local electors have an interest in the boundaries of the school corporation in which they reside and will exercise their privileges, as provided in this chapter, to the end of establishing an efficient and economical reorganization plan best suited to local conditions; and
- (6) that the state board of education, committees, and the public officers charged with authority under this chapter, will perform their duties wisely in view of the objective of this chapter as set forth in the title of this chapter.

(Formerly: Acts 1959, c.202, s.1.) As amended by P.L.20-1984, SEC.43.

IC 20-4-1-2

Short title

Sec. 2. This chapter shall be known and may be cited as The School Corporation Reorganization Act of 1959.

(Formerly: Acts 1959, c.202, s.2.) As amended by P.L.2-1988, SEC.462.

IC 20-4-1-3

Definitions

Sec. 3. As used in this chapter, unless context clearly requires otherwise, the following terms shall have the meanings set forth:

(1) "School corporation" shall mean and include all local school corporations in the state of Indiana.

(2) "Reorganization of school corporations" shall mean and include the formation of new school corporations, the alteration of the boundaries of established school corporations, and the dissolution of established school corporations, through or by means of:

(a) the uniting of two (2) or more established school corporations;

(b) the subdivision of one (1) or more school corporations;

(c) the transfer to any established school corporation of a part of the territory of one (1) or more school corporations, or the attachment thereto of all or any part of the territory of one (1) or more school corporations, or the transfer of said established school corporation; and

(d) any combination of the methods listed in subdivisions (a) through (c).

(3) "Community school corporation" shall mean a school corporation proposed to be formed or formed under the provisions of this chapter and shall include a united school corporation as defined in this section.

(4) "United school corporation" shall mean a school corporation having territory in two (2) or more adjacent counties.

(5) "Administrative unit" shall mean a school corporation comprising all the area under a single system of local administration and under the control of a local board of education, board of school trustees, or board of school commissioners.

(6) "Attendance unit" or "school unit" shall mean the geographical and population area served by a single school, consisting of part, or all, of an administrative unit.

(7) "County committee" or "committee" shall mean the county committee for the reorganization of school corporations, provided for in section 5 through 14 of this chapter.

(8) "State board" or "board" shall mean the Indiana state board of education.

(9) "State department" shall mean the state department of education.

(10) "State superintendent" shall mean the state superintendent of public instruction.

(11) "County superintendent" shall mean the county superintendent of schools.

(12) "Party" includes any person, firm, limited liability company, corporation, association, or municipality interested in any proceedings under the provisions of this chapter.

(13) "School aid bonds" shall mean any bonds of a civil unit of government the proceeds of which were used for school purposes in any school corporation.

(Formerly: Acts 1959, c.202, s.3; Acts 1961, c.322, s.1.) As amended

by P.L.20-1984, SEC.44; P.L.8-1993, SEC.256.

IC 20-4-1-4

Public records available to county committees and state board

Sec. 4. State and county officers shall make available to the county committees and the state board, such information from public records in their possession as is essential to the county committees and the state board in the performance of their duties as set forth in this chapter.

(Formerly: Acts 1959, c.202, s.4; Acts 1965, c.336, s.1.) As amended by P.L.20-1984, SEC.45.

IC 20-4-1-5

County committee for reorganization of school corporations; creation; selecting membership; organization; compensation; terms of office; qualifications; meetings

Sec. 5. (a) Within three (3) months after July 1, 1959, there shall be created in each county in the state a county committee for the reorganization of school corporations, which shall consist of nine (9) members. In counties having a county superintendent of schools, such superintendent shall be an ex officio member of the committee, serving by virtue of his office. The remaining members of such committee if there is such a superintendent, and all the members if there is no such superintendent, shall be appointed by the judge of the circuit court of the county.

(b) Prior to the time specified in this section, the judge of the circuit court in each county of the state shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county for the purpose of advising him in the selection of the member of such county committee. Ten (10) days notice of such convention shall be given by the judge of the circuit court by publication in one (1) newspaper of general circulation published in the affected area, and if no newspaper is published therein, then in a newspaper having a general circulation in the affected area. However, in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), said notice shall be published in two (2) newspapers of general circulation published in the affected area or having a general circulation in the affected area. Said notice shall also specify the time, place, and purpose of such county convention and that such county convention shall be open to all residents of the county.

(c) At the county convention, the judge of the circuit court shall have the provisions of this chapter explained and shall afford opportunity for a discussion thereof by the persons in attendance. Within ten (10) days after the date of the county convention, the judge of the circuit court shall select the appointive members of the county committee. However:

(1) where there is a county board of education, one (1) of such

appointive members shall be a township trustee recommended by such board;

(2) where there is a board of school trustees or board of school commissioners in the county, one (1) shall be a member of such board, other than a township trustee serving on a consolidated school board; and

(3) one (1) shall be a superintendent of schools or a principal of a school city, school town, or consolidated school or corporation or superintendent of a community school corporation.

Except for the exceptions listed in this subsection, the other members thus appointed shall not be members of or employed by any board of school trustees or board of school commissioners, shall not be members of or employed by any local or county board of education and shall not be township trustees or employees of township trustees. The judge shall appoint such members without regard to political affiliation. The judge of the circuit court shall give written notice immediately to each such person so selected to serve on the county committee, and each such person so selected shall notify the judge of the circuit court in writing within ten (10) days thereafter of his acceptance. In the event that any member of the county committee shall refuse to serve thereon, or shall fail to notify the judge of the circuit court of his acceptance, the judge of the circuit court shall appoint a qualified person to serve thereafter on the county committee.

(d) Within thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership a chairman and a treasurer. They shall also elect a secretary who may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(e) The members of the county committee shall serve without compensation. Subject to approval by the state board, the chairman of the county committee shall secure the necessary office space and equipment, engage necessary clerical help, and receive reimbursement for any necessary expenses incurred by him with respect to his duties in connection with the county committee, but shall receive no compensation for his services therefor.

(f) Members of the county committee shall hold office until the reorganization program in the county has been completed for terms of four (4) years subject to replacement as otherwise prescribed in this chapter. No appointive member may continue to serve on a county committee if he ceases to be a resident of the county.

(g) Neither an individual appointive member of a county committee, nor the appointive members as a group, shall be disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the circuit judge, other than county residence, if they met such qualifications at the time of their appointments. Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the circuit judge.

(h) If the reorganization program in any county has not been completed by March 15, 1963, the judge of the circuit court shall within thirty (30) days thereafter discharge the existing county committee and replace or reappoint the appointive members thereof, all without observing any formal procedure but complying with the qualifications for appointment by the circuit judge set out above. Within fifteen (15) days after date of such appointment, the county committee shall meet to organize and to elect from its membership a chairman, a treasurer, and a secretary.

(i) Meetings of the county committee shall be held upon call of the chairman, or by a petition signed by a majority of the members of the committee. A majority of the committee shall constitute a quorum.

(Formerly: Acts 1959, c.202, s.5(1); Acts 1961, c.231, s.1(1); Acts 1963, c.381, s.1(1).) As amended by P.L.20-1984, SEC.46; P.L.12-1992, SEC.100.

IC 20-4-1-6

Preliminary written plan for reorganization of school corporations; time for completion

Sec. 6. (a) Within eight (8) months after March 14, 1963, the county committee shall complete and adopt a preliminary written plan for the reorganization of school corporations within the county.

(b) Such plan and the final comprehensive plan shall provide for the incorporation of all areas of the county into one (1) or more administrative units which can provide an efficient and adequate educational program for grades one (1) through twelve (12), and which will meet the minimum standards adopted by the state board under section 17.1 of this chapter, except as otherwise provided in this chapter.

(Formerly: Acts 1959, c.202, s.5(2); Acts 1961, c.231, s.1(2); Acts 1963, c.381, s.1(2).) As amended by P.L.20-1984, SEC.47.

IC 20-4-1-7

United school corporation

Sec. 7. Any plan creating a united school corporation from existing school corporations which are each entirely located in one (1) county shall, except as provided, be prepared by joint action of the county committees of the counties in which the respective school corporations are situated. Any such plan, for the purpose of submission to the state board as provided, shall be included in the comprehensive plan of the county which has the largest number of pupils residing in the proposed united school corporation. However, in instances when any such existing school corporation contains territory in two (2) or more counties the county committee of the county containing that portion of the school corporation having the most pupils shall include the entire corporation within its plan in the absence of a written agreement with the adjoining county committee to the contrary.

(Formerly: Acts 1959, c.202, s.5(3); Acts 1961, c.231, s.1(3); Acts

1963, c.381, s.1(3).) As amended by P.L.20-1984, SEC.48; P.L.3-1987, SEC.513; P.L.26-2000, SEC.37.

IC 20-4-1-8

Preliminary plans; contents; supporting documents

Sec. 8. (a) The county committee in formulating a preliminary plan shall, with respect to each of the community school corporations which are a part of the reorganization plan, determine the following:

- (1) The name of the community school corporation.
- (2) A general description of the boundaries of the community school corporation which may consist of identifying an existing school corporation where it is to be included in its entirety in such community school corporation. Where a boundary does not follow the boundary of an existing civil or school corporation, the description shall set out the boundary as near as reasonably possible by streets, rivers, and other similar boundaries which are known by common names, and where this is not thus possible, by section lines or other legal description. No such description shall be defective if there is a good faith effort to comply with the provisions of this subdivision, or if such boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee shall have the authority to require the services of the county surveyor in preparing a description of any boundary line.
- (3) The number of members on the board of school trustees, which shall be either three (3), five (5), or seven (7), and whether such board of school trustees shall be elected or appointed. If appointed, when and by whom. If elected, whether such election shall be at the primary or at the general election at which county officials are nominated or elected, and subject to the provisions of sections 26.2 through 26.3 of this chapter, the manner in which such board of school trustees shall be elected or appointed.
- (4) The compensation, if any, of the members of the regular and interim board of school trustees, which shall not exceed the amount provided in IC 20-5-3-6. If no compensation is provided in any plan adopted after March 15, 1963, such members shall be entitled to no compensation.
- (5) Limitations on residence, term of office, and other qualifications required of the members of such board of school trustees. However, no plan shall provide for an appointive or elective term of more than four (4) years, but any member may serve more than one (1) consecutive term.
- (6) The disposition of assets and liabilities in instances where an existing school corporation is divided.
- (7) The disposition of school aid bonds, if any.

(b) In instances where existing school corporations are not divided the assets, liabilities, and obligations of the existing school corporations are to be transferred to and assumed by the new

community school corporation of which they are a part, without any provisions therefor being made in the plan.

(c) The preliminary plan shall be supported by a summary statement of:

- (1) the educational improvements its adoption will make possible;
- (2) data showing the assessed valuation, the number of resident pupils in average daily attendance in grades 1 through 12, the assessed valuation per each such pupil and the property tax levies, of each existing school corporation to which the plan applies, and such assessed valuation, resident average daily attendance and assessed valuation per pupil, of each proposed community school corporation if it were in existence in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee; and
- (3) any other data or information the county committee deems appropriate or that may be required by the state board in its rules.

(d) Such assessed valuations and tax rates shall be based on the valuations applying to taxes collected in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee. The resident average daily attendance figures may be based on the calculation thereof under the rules pursuant to which they are submitted to the superintendent of public instruction by existing school corporations and shall be set out for the school year in progress in such year if they are available, or for the preceding school year if they are not. All such data and information shall be obtained by the county committee from any source deemed reliable by it, and the statement by the county committee shall be sufficient whether or not exactly accurate, if there is a good faith effort on its part to comply with the provisions of this subsection.

(Formerly: Acts 1959, c.202, s.5(4); Acts 1961, c.231, s.1(4); Acts 1963, c.381, s.1(4).) As amended by P.L.20-1984, SEC.49; P.L.3-1989, SEC.109.

IC 20-4-1-9

Hearings on preliminary plans; notice

Sec. 9. (a) When any county committee has prepared its preliminary written plans for reorganization of school corporations, it shall fix dates and places for one (1) or more hearings thereon and give notice thereof to all the residents of the school corporations affected and all interested parties. The county committee shall have the discretion as to whether to hold more than one (1) hearing. Such notice shall be given by the chairman of the county committee by publication at least once in one (1) newspaper of general circulation published in the school corporation or corporations, and if no newspaper is published in the school corporation or corporations, then in a newspaper having a general circulation within the school corporation or corporations, at least ten (10) days but not more than

thirty (30) days prior to the date set for such hearing.

(b) At the hearing the county committee shall explain the proposed reorganization plan and summarize the educational improvements its adoption will make possible. A statement of the adjustment proposed for property, assets, debts, and other liabilities shall be made in instances where any existing school corporation is to be divided. In such hearing, any resident of the county or of any affected school corporation in an adjoining county may be heard with reference to the proposed plan or any alternative plan.

(Formerly: Acts 1959, c.202, s.5(5); Acts 1961, c.231, s.1(5); Acts 1963, c.381, s.1(5).) As amended by P.L.2-1988, SEC.463.

IC 20-4-1-10

Final comprehensive reorganization plan; adoption; submission of plan to state board

Sec. 10. (a) The committee shall consider any suggestions made in the public hearing and shall make any revisions or modifications in its written plans as it deems necessary and shall thereupon without any further hearing adopt its final comprehensive reorganization plan, and, within ten (10) days after such adoption, but not later than January 14, 1964, shall submit at least three (3) copies of its comprehensive plan to the state board. However, if a county committee encounters any difficulties in formulating and adopting either its preliminary or comprehensive plan for the reorganization of school corporations, through no lack of diligence upon the part of the committee so that it is unable to submit its plans to the state board within the period specified, such county committee may make application to the state board for extension or extensions of time in which to complete and adopt its preliminary or comprehensive plan. Such application may be made during or after the original or any extended period for which an extension is asked.

(b) The state board, in its discretion, and if the facts and circumstances warrant, may grant such extension or extensions as it may see fit.

(Formerly: Acts 1959, c.202, s.5(6); Acts 1961, c.231, s.1(6); Acts 1963, c.381, s.1(6).) As amended by P.L.20-1984, SEC.50.

IC 20-4-1-11

Submission of reorganization plans to state board before completion of comprehensive plan

Sec. 11. From time to time, the county committee may submit to the state board for approval, in accordance with the provisions of section 17.1 of this chapter, a plan for the reorganization of one (1) or more school corporations without awaiting the completion of a comprehensive plan, but such plan fits into and becomes an integral part of such comprehensive plan as the county committee is required to prepare.

(Formerly: Acts 1959, c.202, s.5(7); Acts 1961, c.231, s.1(7); Acts 1963, c.381, s.1(7).) As amended by P.L.20-1984, SEC.51; P.L.17-1985, SEC.17.

IC 20-4-1-12

Required contents of preliminary or final comprehensive plan

Sec. 12. Any preliminary or final comprehensive plan of reorganization, adopted by the county committee before or after March 15, 1963, shall be sufficient as to form if it contains within its own terms or by reference the following for each proposed community school corporation:

- (a) The name of the proposed community school corporation.
- (b) A general description of the boundaries of the community school corporation as provided in section 8 of this chapter.
- (c) The number on the board of school trustees and whether they shall be elected or appointed.
- (d) The manner in which the board of school trustees, other than the interim board, is to be elected or appointed.
- (e) The disposition of assets and liabilities of any existing school corporation in instances where such school corporation is divided, and, after March 15, 1963, if there is submitted or adopted with it the statement required by section 8 of this chapter.

(Formerly: Acts 1959, c.202, s.5(8); Acts 1961, c.231, s.1(8); Acts 1963, c.381, s.1(8).) As amended by P.L.2-1988, SEC.464.

IC 20-4-1-13

Advisory committees of county; membership

Sec. 13. The county committee may form an advisory committee or committees which may include among their membership any or all superintendents or principals of local school corporations. Such advisory committee or the individual members thereof shall render such help and furnish such information to the county committee as may be requested by the county committees from time to time.

(Formerly: Acts 1959, c.202, s.5(9); Acts 1961, c.231, s.1(9); Acts 1963, c.381, s.1(9).) As amended by P.L.2-1988, SEC.465.

IC 20-4-1-14

Voiding existing plans; exceptions

Sec. 14. (a) All those reorganization plans approved before March 15, 1963, by the state board are hereby declared void on March 15, 1963, except with respect to any community school corporation where:

- (1) any such plan has received a majority affirmative vote at an election;
- (2) such plan has been certified by the clerk of the circuit court as being petitioned in by fifty-five percent (55%) or more of the registered voters for any such reorganized school corporation and notice has been duly published by the county committee pursuant to sections 5 through 13, 20 through 23, 26, 28, 34, and 40 of this chapter; or
- (3) the plan provides for a school corporation meeting the qualifications for formation of a community school corporation under section 22 of this chapter.

(b) The county committee and other government officials shall, with respect to any such voided reorganization plan, take all actions necessary for the preparation of a comprehensive plan as if no prior plan had been submitted, and within the time prescribed by sections 5 through 13 of this chapter.

(Formerly: Acts 1959, c.202, s.5(10); Acts 1963, c.381, s.1(10).) As amended by P.L.20-1984, SEC.52; P.L.2-1988, SEC.466.

IC 20-4-1-15 Repealed

(Repealed by P.L.20-1984, SEC.202.)

IC 20-4-1-16

Repealed

(Repealed by P.L.20-1984, SEC.202.)

IC 20-4-1-17

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-4-1-17.1

State board of education; powers and duties

Sec. 17.1. (a) The state board of education shall:

- (1) aid the county committees, as required by subsection (b), in carrying out the powers and duties imposed on them by this chapter;
- (2) receive and examine each plan for the reorganization of school corporations submitted to it by a county committee and approve each plan which meets the standards of the state board of education;
- (3) promulgate a set of minimum standards, in furtherance of the policy expressed in section 1 of this chapter, which all proposed community school corporations must meet, insofar as feasible;
- (4) within ninety (90) days after receipt of a reorganizational plan, hold a public hearing in the county to which the plan mainly appertains so that residents of the affected territory may testify;
- (5) within sixty (60) days after the public hearing, approve or disapprove in writing all or part of the plan and notify in writing the county committee concerned;
- (6) assist any county committee whose plan does not meet minimum standards in revising the plan and shall permit the committee to resubmit the plan within ninety (90) days after receipt of notice of nonapproval; and
- (7) make rules for the conduct of its own business and for the guidance and direction of county committees in order to carry out the purposes of this chapter.

(b) The minimum standards for community school corporations proposed under this chapter shall include, but are not limited to, the inclusion of all the area of a county in a school corporation or

corporations in order to furnish efficient and adequate educational opportunity for all pupils in grades one (1) through twelve (12). The county committee and the state board of education may, prior to the adoption of a preliminary written plan, meet to consider problems encountered by the county committee in formulating a plan. Following the meeting, the state board of education may, in writing, waive any specified minimum standard for a designated geographic area on the ground that meeting the standard is not feasible.

(c) The state board of education is not required to hold a public hearing on any plan which does not meet the minimum standards required by it unless the state board of education waives the attainment of any standard.

As added by Acts 1979, P.L.203, SEC.1. Amended by P.L.20-1984, SEC.53.

IC 20-4-1-18

Creation of community school corporation in certain existing school corporations; motion of state board; hearings; definitions

Sec. 18. (a) Whenever the creation of a community school corporation out of an existing corporation would involve no change in its territorial boundaries or in its board of school trustees or other governing body, other than a change, if any, in the time of election or appointment or the time the board members take office, and such creation is consistent with the standards set up pursuant to the provisions of this chapter as modified, if any, by the standards set out in this section, the state board may upon its own motion or upon petition of the governing body of the existing school corporation at any time with hearing in the county where such school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where such school corporation is located, at least ten (10) but not more than thirty (30) days prior to the date of such hearing and without action of the county committee declare such existing school corporation to be a community school corporation by adopting a resolution to this effect. Such existing school corporation shall qualify as to size and financial resources if it has an average daily attendance of two hundred seventy (270) or more, in grades nine (9) through twelve (12), or of one thousand (1,000) or more, in grades one (1) through twelve (12), and has an assessed valuation per pupil of five thousand dollars (\$5,000) or more. For the purposes of this provision the following terms shall have the following meanings:

(1) "County tax" shall be a property tax which is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a county-wide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute, and the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation shall mean the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as such assessed

valuation is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as now or hereafter amended, unless such statute has been repealed or no longer provides for such adjustment. In the event a county has a county tax, then the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, which would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from such county tax in such school corporation, using total taxes levied by such school corporation in terms of rate excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute, and including all other taxes levied by or for such school corporation, including but not limited to the county tax, bond fund levy, lease rental levy, library fund levy, special school fund levy, tuition fund levy, capital projects fund levy, and special funds levies. Such increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for such year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which such tax is first applied or raised. In the event such excess distribution and total taxes levied cannot be determined accurately on or prior to the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as they shall see fit, certifying such increased assessment to the state board prior to such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per pupil" of any school corporation means the assessed valuation of any such school corporation divided by its average daily attendance in grades one (1) through twelve (12).

(4) "Average daily attendance" in any school corporation shall mean the average daily attendance of pupils who are residents in such school corporation and in the particular grades to which such term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent of public instruction, used in determining such average daily attendance in the distribution of the tuition funds by the state to its various school corporations where such funds are distributed on such basis and irrespective of whether such figures are the actual resident daily attendance of such school for the school year.

(b) Such community school corporation shall automatically come into being on either July 1 or January 1 following the date of such

approval, whichever is earlier. The state board shall mail by certified United States mail, return receipt requested, a copy of such resolution certified by its director or its secretary to the recorder of the county from which the county committee having jurisdiction of such existing school corporation was appointed and to such county committee. Such resolution may change the time of election or appointment of the board members of such school corporation or the time such board members take office. The recorder shall without cost record such certified resolution in the miscellaneous records of the county. Such recording shall constitute a permanent record of the action of the state board and may be relied on by any person. Unless the resolution otherwise provides no interim board member shall be appointed, the board members in office on the date of such action shall continue to constitute the board of trustees of such school corporation until their successors are qualified, and the terms of their respective office and board membership shall remain unchanged except to the extent that such resolution otherwise provides. For all purposes under this chapter, community school corporation shall be regarded as a school corporation created under the provisions of section 22 of this chapter.

(Formerly: Acts 1959, c.202, s.6a; Acts 1965, c.336, s.2.) As amended by P.L.20-1984, SEC.54; P.L.41-1993, SEC.35; P.L.90-2002, SEC.403.

IC 20-4-1-19

Membership of community school corporation operating joint high school

Sec. 19. Any preliminary or final plan adopted under sections 5 through 14 of this chapter may provide for a board of nine (9) members where the proposed community school corporation is formed out of two (2) or more school corporations operating a joint high school, which high school has an enrollment of six hundred (600) or more in grades 9 through 12 at the time of the adoption of the preliminary plan.

(Formerly: Acts 1959, c.202, s.6b; Acts 1965, c.336, s.3.) As amended by P.L.2-1988, SEC.467.

IC 20-4-1-20

Approval of reorganization plan by state board; notice; creation of community school corporation by petition or elections; contents of petition and petitioning procedure

Sec. 20. (a) After the state board has approved a comprehensive plan or partial plan for reorganization of school corporations as submitted to it by a county committee, the state board shall promptly in writing, by certified United States mail with return receipt requested, give a notice of such approval to the chairman of said county committee submitting the plan and the judge of the circuit court of the county from which the county committee was appointed.

(b) Thereafter, any community school corporation proposed by the plan may be created either by petition as set out in this section,

by election as provided in section 21 of this chapter, or under the terms of section 22 of this chapter.

(c) At any time after the receipt of such plan by the county committee, before or after the election described in section 21 of this chapter, any such community school corporation may be created by a petition signed by fifty-five percent (55%) or more of the registered voters residing within the boundaries of the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where such voters reside. Such petition shall state that the signers request the establishment of a community school corporation and shall contain the following information:

- (1) The name of the proposed community school corporation.
- (2) A general description of the boundaries as set out in the plan.
- (3) The number on the board of school trustees.
- (4) The manner in which the permanent board of school trustees, and the interim board if covered in the plan, shall be elected or appointed.
- (5) The compensation, if any, of the members of the permanent and interim board of school trustees.
- (6) The disposition, if any, of assets and liabilities of each existing school corporation which is included in the proposed community school corporation and has been divided.
- (7) The disposition of school aid bonds, if any.

(d) Such petition shall show therein the date on which each person has signed the petition and his residence on such date. The petition may be executed in several counterparts, the total of which shall constitute the petition authorized by this subsection. Each such counterpart shall have attached thereto the affidavit of the person circulating said counterpart that each signature appearing on such counterpart was affixed in his presence and is the true and lawful signature of the person who made such signature. Each signer on the petition shall be privileged prior to, but shall not be entitled after, such filing with the clerk of the circuit court, to withdraw his name from the petition. No names shall be added to the petition after the petition has been filed with any such clerk.

(e) After the receipt of the petition, such clerk shall make a certification under his hand and seal of his office as to:

- (1) the number of persons signing the petition;
- (2) the number of such persons who are registered voters residing within the boundaries of the proposed community school corporation or that part of such school corporation located within his county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever such registration records may be kept;
- (3) the number of registered voters residing within the boundaries of the proposed community school corporation or that part of such school corporation located within his county,

as disclosed in the records mentioned in subdivision (2); and
(4) the date of the filing of such petition with him.

In case a proposed community school corporation includes only part of a voting precinct, the clerk of the circuit court shall ascertain from any public records, data, or by any other means, including but not limited to assistance from the county committee, the number of registered voters resident therein.

(f) Such certification shall be made by each such clerk within thirty (30) days after the filing of the petition, excluding from the calculation of such period any time during which the registration records are unavailable to such clerk, or within any additional time as is reasonably necessary to permit such clerk to make such certification. In certifying the number of such registered voters, the clerk shall disregard any signature on such petition not made within ninety (90) days immediately prior to the filing of the petition with him as shown by the dates set out in the petition. Such clerk shall establish a record of his certification in his office and shall return his certification thereon to the county committee. If the certification or combined certifications received from the clerk or clerks disclose that the petition has been signed by fifty-five percent (55%) or more of the registered voters residing within the boundaries of the community school corporation, the county committee shall publish in two (2) newspapers of general circulation within the boundaries of the community school corporation a notice stating that the steps necessary to the creation and establishment of the community school corporation have been completed, and setting forth the number of registered voters residing within the boundaries of the community school corporation who signed the petition and the number of registered voters residing within the boundaries of the community school corporation.

(g) The community school corporation shall be created and come into being on July 1 or January 1 following the date of publication of said notice, whichever date is the earlier. In the event any public official shall fail to do his duty within the time prescribed in sections 20 through 24 of this chapter, this omission shall not invalidate the proceedings taken under this chapter. No action to contest the validity of the formation or creation of a community school corporation under the provisions of this section, to declare it has not been validly formed or created or is not validly existing, or to enjoin its operation shall be instituted at any time later than the thirtieth day following publication of said notice.

(Formerly: Acts 1959, c.202, s.7(1); Acts 1961, c.302, s.1(1); Acts 1963, c.380, s.1(1).) As amended by P.L.20-1984, SEC.55; P.L.2-1996, SEC.261.

IC 20-4-1-21

Special election to create community school corporations; procedure

Sec. 21. (a) If no such certification or combined certifications, thus creating any such community school corporation, are received

within ninety (90) days after the receipt of such plan by the chairman of the county committee, the judge of the circuit court of the county, from which the county committee submitting the plan was appointed, shall certify the public question under IC 3-10-9-3 and order the county election board to conduct a special election of the registered voters residing within the boundaries of such proposed community school corporation to determine whether such community school corporation shall be created and shall certify the question under IC 3-10-9-3. If a primary or general election at which county officials are nominated or elected and for which the question can be certified in compliance with IC 3-10-9-3 is to be held within six (6) months after the receipt of such plan by the chairman of the county committee, whether or not such ninety (90) days has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with any such primary or general election. If no such primary or general election is to be held within such six (6) month period, then such special election shall be held not earlier than sixty (60) days nor later than one hundred twenty (120) days after the expiration of such ninety (90) day period.

(b) Notice of such special election shall be given by the county election board under IC 5-3-1.

(c) Such notice of such special election shall clearly state that the election is called for affording the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation and shall also contain a general description of the boundaries of the community school corporation as set out in the plan, a statement of the terms of adjustment of property, assets, debts, and liabilities of any existing school corporation where it is to be divided, the name of the community school corporation, the number of members comprising the board of school trustees, and the method of selecting the board of school trustees of the community school corporation. The notice shall also designate the time and voting place or places at which the election will be held.

(d) Such special election shall be under the direction of the county election board in the county. Such election board shall take all steps necessary to carry out the election provided for in this section. If the special election is not conducted at a primary or general election, the cost of conducting the election shall be charged to each component school corporation embraced in the community school corporation in the same proportion as its assessed valuation is to the total assessed valuation of the community school corporation, and shall be paid from any current operating fund not otherwise appropriated, without appropriation therefor by the respective school corporations. Where a component school corporation is to be divided and its territory assigned to two (2) or more community corporations its cost of the election shall be in proportion to its assessed valuation included in the community school corporation.

(e) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school

corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election shall be governed by IC 3.

(f) If a majority of the votes cast at such special election on such question are in favor of the formation of such corporation, a community school corporation shall be created and come into being on July 1 or January 1 following the date of publication of said notice, whichever date is the earlier. In the event any public official shall fail to do the official's duty within the time prescribed in this section, this omission shall not invalidate the proceedings taken under this section. No action to contest the validity of the formation or creation of a community school corporation under this section to declare that it has not been validly formed or created or is not validly existing, or to enjoin its operation, shall be instituted at any time later than the thirtieth day following such election.

(Formerly: Acts 1959, c.202, s.7(2); Acts 1961, c.302, s.1(2); Acts 1963, c.380, s.1(2).) As amended by P.L.3-1987, SEC.514; P.L.5-1989, SEC.80; P.L.26-2000, SEC.38.

IC 20-4-1-22

Reorganization plan involving no change in boundaries or board of trustees; automatic effective date

Sec. 22. In instances where the proposed school corporation reorganization plan approved by the state board involves no change in territorial boundaries or in the board of school trustees or other governing body of a school corporation, other than a change, if any, in the time of election of board members, or the time such board members take office, such approved plan shall automatically come into being on either July 1 or January 1 following the date of such approval, whichever is earlier. In such event, no interim board member shall be appointed, the board members in office on such date shall continue to constitute the governing body of the school corporation until their successors are qualified, and the terms of their respective offices and their board memberships shall remain unchanged except to the extent the plan provides otherwise.

(Formerly: Acts 1959, c.202, s.7(2a); Acts 1961, c.302, s.1(2a); Acts 1963, c.380, s.1(2a).) As amended by P.L.20-1984, SEC.56.

IC 20-4-1-23

Rejection of community school corporations and elections; options of county committee

Sec. 23. If a proposal for the formation of a community school corporation is rejected by the voters at the election provided for in this chapter, the county committee shall exercise one (1) of the following options:

- (1) Devise a new plan of reorganization deemed more acceptable to the electors of the territory affected. This new plan shall be submitted to the state board for its approval within six (6) months from the date of such election subject to the

same conditions and requirements as to extensions of time and otherwise provided in this chapter for adoption and approval of the rejected plan. If the new plan is approved by the state board, the same procedures provided in this chapter for the creation of a community school corporation shall be followed.

(2) The county committee may direct the county election board or boards to resubmit the same plan, rejected by the voters, at a special election to be held not later than six (6) months following such prior election on such plan, provided that where a primary or general election for state offices is to be held within six (6) months of such prior election, such special election shall be held in conjunction with such primary or general election. Notice by publication for the holding of such special election shall be given by the judge on request of the county committee, and the election shall be held in the same manner required for the holding of a special election under section 21 of this chapter, and all action by all officials concerned necessary for the conducting of such special election shall be taken as required in such section 21 of this chapter.

(Formerly: Acts 1959, c.202, s.7(3); Acts 1961, c.302, s.1(3); Acts 1963, c.380, s.1(3).) As amended by P.L.20-1984, SEC.57.

IC 20-4-1-24

Failure of public official to do duty within time prescribed; effect

Sec. 24. In the event any public official shall fail to do his duty within the time prescribed at any place in this chapter, such omission shall not invalidate any proceedings taken by him. Provided, however, that this section shall not apply to the time within which a county committee shall accept jurisdiction of all or part of a school corporation from another county committee following a petition under section 7 of this chapter and shall not be construed to enlarge the time within which petitions shall be filed by registered voters under any section of this chapter.

(Formerly: Acts 1959, c.202, s.7(4); Acts 1963, c.380, s.1(4).) As amended by P.L.2-1988, SEC.468.

IC 20-4-1-25

Appeal procedure

Sec. 25. (a) Any party aggrieved by the decision of the county committee after the hearing provided for in section 9 of this chapter may appear before the state board when the board holds public hearings on the reorganization plan involved and state the grievance.

(b) Any party feeling aggrieved by the decision of the state board after the hearing provided for in section 10 of this chapter may appeal within thirty (30) days from such decision to the court of competent jurisdiction in the respective county on any question of adjustment of property, debts, and liabilities among the school corporations involved. Notice of the appeal shall be given to the chairman or secretary of the county committee ten (10) days before the appeal is filed with the court. The court shall have power to

determine the constitutionality and the equity of the adjustment or adjustments proposed and to direct the county committee to alter such adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Indiana or of the United States. An appeal may be taken to the supreme court or the court of appeals in accordance with the rules of civil procedure of the state.

(c) Any determination by the court with respect to the adjustment of property, debts, and liabilities among the school corporations or areas involved shall not otherwise affect the validity of the reorganization or creation of any school corporation or corporations under the provisions of this chapter.

(Formerly: Acts 1959, c.202, s.8.) As amended by P.L.20-1984, SEC.58; P.L.3-1989, SEC.110.

IC 20-4-1-26

Repealed

(Repealed by P.L.10-1988, SEC.238.)

IC 20-4-1-26.1

Community school corporations; powers and duties; officers

Sec. 26.1. (a) This section applies to each community school corporation, whenever created.

(b) Each community school corporation established under this chapter, when validly organized and existing, is a body corporate and politic. The corporation may:

- (1) sue and be sued; and
- (2) acquire, hold, and convey real and personal property necessary to its establishment and operation.

(c) A corporation has:

- (1) all the powers, rights, duties, and obligations of the school cities of any class in which the school corporation would fall if it were organized as a school city; and
- (2) the additional powers granted school corporations in general or school corporations in the population or other classifications in which the school corporation falls.

(d) The officers of the board of school trustees are:

- (1) a president;
- (2) a secretary;
- (3) a treasurer; and
- (4) if the board of trustees consists of more than three (3) members, a vice president.

As added by P.L.10-1988, SEC.222.

IC 20-4-1-26.2

Board of school trustees; election options; exception for community school corporations created before March 12, 1965

Sec. 26.2. (a) This section does not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in

accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of a board of school trustees are to be elected, they shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section 27.1 of this chapter. The options shall be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

(1) Members of a board of school trustees may reside anywhere in the school corporation and shall be voted upon by all its registered voters voting at any school board member election.

(2) The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the board of school trustees resident within each of the residence districts. The plan may also provide that one (1) or more members of the board may reside anywhere in the community school corporation. The plan must set out the number to be elected from each district, may provide for the election of an equal number of members from each district, and must set out the number, if any, to be elected at large without reference to board member districts. Under this option, all candidates must be voted on by all registered voters of the community school corporation voting at any school board member election.

(3) The community school corporation shall be divided into three (3) residence districts of approximately equal population. If the board of school trustees consists of three (3) members, one (1) member must reside in each residence district. If the board of school trustees consists of five (5) members, two (2) members may not reside in any one (1) residence district. If the board of school trustees consists of seven (7) members, at least two (2) are to be elected from each residence district. Candidates are to be voted on by all registered voters of the community school corporation voting at any school board member election.

(4) The community school corporation shall be divided into two (2) or more electoral districts. Each member serves from one (1) electoral district, must be a resident of the district, and must be voted upon by the registered voters residing within the electoral district and voting at any school board member election. The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. However, the plan must provide that not less than one (1) less than a majority of the board may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any school board member election.

(5) The community school corporation consists of the electoral districts set forth in this subdivision: One (1) electoral district must embrace the entire community school corporation from which a majority of the members of the board of school trustees shall be elected by all the registered voters of the community school corporation voting at a school board member election. The other electoral districts must be subdivisions of the community school corporation. Each of the remaining members of the board of school trustees serves from one (1) of the latter electoral districts, must be a resident of that district, and must be voted upon by registered voters voting at a school board member election. The plan must set out the number to be elected from each district and may provide for the election of an equal number of members from the district.

(6) The community school corporation shall be divided into two (2) or more electoral districts. Each member serves from one (1) electoral district, must be a resident of that district, and must be voted upon only by the registered voters residing within that district who vote at a school board election. The plan must set out the number of members to be elected from each electoral district in the school corporation and may provide for election of an equal number of members from each district.

As added by P.L.10-1988, SEC.223. Amended by P.L.154-1997, SEC.1.

IC 20-4-1-26.3

Board of school trustees; appointment options; exception for community school corporations created before March 12, 1965

Sec. 26.3. (a) This section does not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of the board of school trustees are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the board of school trustees may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more school board member districts, any one (1) of which may embrace the entire community school corporation. Each member serves from a particular district and must be a resident of the district. The plan must set out the number to be appointed from each district and may provide for an equal number of

members from each district.

(d) The plan, under either option, may provide that the first appointments of the school board members are for staggered terms of not more than four (4) years. Thereafter, appointments shall be made for terms of four (4) years. All terms of office for appointive board members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the board of school trustees must designate the appointive authority. The authority may be the same for each board member, but must be limited to one (1) or more of the following:

- (1) The judge of the circuit or superior court.
- (2) The city executive.
- (3) The legislative body of a city.
- (4) The board of commissioners of a county.
- (5) The county fiscal body.
- (6) The town legislative body.
- (7) The township executive.
- (8) The township legislative body.
- (9) A township executive and legislative body jointly.
- (10) More than one (1) township executive and legislative body jointly.

(f) If an appointment is to be made by a body, the appointment must be made by a majority vote of the body in official session. If an appointment is to be made by township executives, the appointment must be made by a majority vote of the executives taken in joint session. If an appointment is to be made by township legislative bodies, the appointment must be made by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.

(g) Whenever a member of the board of school trustees, whether of interim board or regular board, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first board of school trustees within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the board of school trustees shall be appointed:

- (1) by the judge of the circuit court; or
- (2) in the case of a united school corporation, by the judge of the circuit court of the county having the most pupils enrolled in the united school corporation.

As added by P.L.10-1988, SEC.224. Amended by P.L.8-1989, SEC.79; P.L.4-1991, SEC.138.

IC 20-4-1-26.4

Board of school trustees; election procedures

Sec. 26.4. (a) This section applies to each school corporation,

whenever created.

(b) If a plan provides for the election of members of the board of school trustees of the community school corporation at a primary election, at the time provided by IC 3-8-2 for the filing of notice of candidacies for the primary election next following the creation of the community school corporation, nominations for members of the board of school trustees of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a board member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

(d) If a plan provides for an election of members of the board of school trustees at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period of time before the general election as would have been required before the primary election had the election been held at the latter time.

(e) All nominations shall be listed for each office in the form prescribed by IC 3-10-1-19 or IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving at each primary election in each county shall conduct the election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(f) If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party designation. Candidates elected shall be those having the greatest number of votes.

(g) If the plan provides that members of the board of school trustees are to be elected from residence districts by all voters in the community school corporation, nominees for the board of school trustees shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted upon and the maximum number that may be elected from each

residence district as provided in the plan. A ballot is not valid where more than the maximum number are voted upon from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(h) If the plan provides that members of the board of school trustees are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party designation. The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.

As added by P.L.10-1988, SEC.225. Amended by P.L.3-1993, SEC.249.

IC 20-4-1-26.5

Board of school trustees; voting in primary election; tie votes; vacancies; terms

Sec. 26.5. (a) This section applies to each school corporation, whenever created.

(b) If the board of school trustees is to be elected at the primary election, each registered voter may vote in the board of school trustee election without otherwise voting in the primary election.

(c) If a tie vote occurs among any of the candidates, the judge of the circuit court, or in case of a united school corporation, the judge of the circuit court of the county having the most pupils enrolled in the united school corporation, shall select one (1) of the candidates who shall be declared and certified elected.

(d) If after the first board of school trustees takes office, there is a vacancy on the board of school trustees for any reason, including the failure of the sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the board of school trustees, whether or not a majority of the board, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the office, to serve for the term or balance of terms respectively. If a tie vote occurs among the remaining members of the board or the board fails to act within thirty (30) days after any vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(e) A vacancy in the board of trustees occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school

corporation from which the member was elected or appointed as long as the member continues to be a resident of the school corporation.

(f) At the first primary or general election in which members of the board of school trustees are elected, a simple majority of the candidates elected as members of the board of school trustees who receive the highest number of votes shall be elected for four (4) year terms. The balance of the candidates elected as members of the board of school trustees receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all school board members shall be elected for four (4) year terms.

(g) Board members elected in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. Board members elected in May take office and assume their duties on July 1 after their election.

As added by P.L.10-1988, SEC.226.

IC 20-4-1-26.6

Board of school trustees; appointment of interim trustees

Sec. 26.6. (a) This section applies to each school corporation, whenever created.

(b) If the plan provides for the election of members of the board of school trustees of the community school corporation:

- (1) the judge of the circuit court; or
- (2) in the case of a united school corporation, the judge of the circuit court of the county having the most pupils enrolled in the united school corporation;

shall appoint interim board of school trustees in accordance with the plan approved by the county committee and the state board.

(c) The members appointed serve until their successors are elected and qualified.

(d) Instead of appointment, the plan may provide for an alternative method of appointing the members of the interim board of trustees of a community or united school corporation. The appointment under this subsection must be made by one (1) or more of the class of officials listed in section 26.3(e) of this chapter.

As added by P.L.10-1988, SEC.227.

IC 20-4-1-26.7

Assumption and transfer of powers and duties

Sec. 26.7. (a) This section applies to each school corporation, whenever created.

(b) The board of school trustees does not assume its powers and duties until the date when the community school corporation becomes effective. For a period of thirty (30) days prior to the date on which the board of school trustees of the community school corporation assumes office, the existing school corporation having territory that will be included within the boundaries of a community school corporation shall not contract or place the school corporation under any further obligations, except upon written approval of the

county committee.

(c) The transfer of powers, duties, property rights, other assets, liabilities, contracts both as to rights and obligations, and all else connected with the transfer of authority from existing school corporations to the community school corporation takes place at the time of the formation and creation of the community school corporations and are vested in the community school corporations of that time.

As added by P.L.10-1988, SEC.228.

IC 20-4-1-26.8

Attendance units; transportation

Sec. 26.8. (a) This section applies to each school corporation, whenever created.

(b) The community school corporation board of school trustees shall divide the community school corporation into the attendance units that are proper and adopt rules with respect to the units. Whenever a reorganization plan provides for the transportation of pupils from one (1) part of a community school corporation to a central point, the board of school trustees of the community school corporation shall provide adequate and practical transportation.

As added by P.L.10-1988, SEC.229.

IC 20-4-1-26.9

Taxing power

Sec. 26.9. (a) This section applies to each school corporation, whenever created.

(b) Each board of school trustees created under this chapter may annually levy the amount of taxes that, in the judgment of the board, made a matter of record in its minutes, should be levied to produce income sufficient to conduct and carry on the public schools committed to the board. The board shall annually levy a rate that will produce a sum sufficient to meet all payments of principal and interest as they mature in the year for which the levy is made on the bonds, notes, or other obligations of the community school corporation.

(c) The power of the board in making tax levies shall be exercised within existing statutory limits. The levies are subject to the same review as school city levies and shall be at a uniform and equal rate on all taxable property located within the boundaries of the community school corporation.

As added by P.L.10-1988, SEC.230.

IC 20-4-1-26.10

Community school corporation; board of school trustees; election ballot

Sec. 26.10. (a) This section applies to a community school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be

used for the school board offices on the election ballot.
As added by P.L.38-2003, SEC.2.

IC 20-4-1-27

Transfer of pupils of rejected school corporation territory

Sec. 27. School corporations adjacent to rejected segments of proposed reorganized school corporations shall accept on transfer, in the manner required by law, pupils of the rejected school corporation territory.

(Formerly: Acts 1959, c.202, s.9a; Acts 1961, c.82, s.1.)

IC 20-4-1-27.1

School corporation; organization of governing body

Sec. 27.1. (a) The governing body of a school corporation may be organized under this section.

(b) The governing body consists of seven (7) members, elected as follows:

(1) Four (4) members elected from districts, with one (1) member serving from each electoral district. A member elected under this subdivision must be:

(A) a resident of the electoral district from which the member is elected; and

(B) voted upon by only the registered voters residing within the electoral district and voting at a school board election.

(2) Three (3) members, who are voted upon by all the registered voters residing within the school corporation and voting at a school board election, elected under this subdivision. The governing body shall establish three (3) residential districts as follows:

(A) One (1) residential district must be the township that has the greatest population within the school corporation.

(B) Two (2) residential districts must divide the remaining area within the school corporation.

Only one (1) member who resides within a particular residential district established under this subdivision may serve on the governing body at a time.

(c) A member of the governing body who is:

(1) elected from an electoral or residential district; or

(2) appointed to fill a vacancy from an electoral or residential district;

must reside within the boundaries of the district the member represents.

(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

(e) The members of the governing body serving at the time a plan is amended under this section shall establish the electoral and residential districts described in subsection (b).

(f) The electoral districts described in subsection (b)(1):

- (1) shall be drawn on the basis of precinct lines;
- (2) may not cross precinct lines; and
- (3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).
- (g) The residential districts described in subsection (b)(2) may:
 - (1) be drawn in any manner considered appropriate by the governing body; and
 - (2) be drawn along township lines.
- (h) The governing body shall certify the districts established under subsections (f) and (g) to:
 - (1) the Indiana state board of education; and
 - (2) the county election board of the county in which the school corporation is located.
- (i) The governing body shall, in the governing body's discretion, designate:
 - (1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and
 - (2) the remaining four (4) districts to be elected at the second school board election that occurs after the effective date of the plan.

As added by P.L.154-1997, SEC.2.

IC 20-4-1-27.2

School corporation; governing body; election ballot

Sec. 27.2. (a) This section applies to a school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices on the election ballot.

As added by P.L.38-2003, SEC.3.

IC 20-4-1-28

Amendment of reorganization plan before election of trustees

Sec. 28. Where:

- (1) any plan has been approved by any county committee or committees and by the state board prior to March 10, 1961;
 - (2) the plan provides for election of the members of the board of school trustees of the community or united school corporation; and
 - (3) the first board of trustees has not yet been selected;
- the plan may be amended by the county committee or committees with the approval of the state board without hearing to provide for the selection of the first members in the manner provided in section 26.6 of this chapter.

(Formerly: Acts 1959, c.202, s.9b; Acts 1961, c.302, s.3.) As amended by P.L.20-1984, SEC.60; P.L.17-1985, SEC.18; P.L.10-1988, SEC.231.

IC 20-4-1-29

Approval of state board for reorganization plan mandatory; supplemental effect of act

Sec. 29. (a) From and after July 20, 1959, no consolidation or reorganization of school corporations, by means of or procedures under laws of this state in effect on July 20, 1959, shall become effective until and unless such consolidation or reorganization is approved by the state board.

(b) Except to the extent set forth in subsection (a), this chapter is intended to be and shall be construed as being supplemental to all existing laws appertaining to public schools in this state.

(Formerly: Acts 1959, c.202, s.10.) As amended by P.L.20-1984, SEC.61.

IC 20-4-1-30

Dissolution of county committees upon completion of reorganization

Sec. 30. (1) When an entire county has been reorganized in the manner and procedure provided in this chapter, as amended, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires prior to the time of such dissolution of the county committee, the judge shall fill such vacancy by replacement or reappointment for a term of four (4) years in accordance with the provisions of sections 5 through 14 of this chapter. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in accordance with the provisions of sections 5 through 14 of this chapter.

(2) After a county committee has been dissolved, if local school trustees or the superintendent of public instruction deems further reorganization necessary to improve educational opportunities for the pupils in the county, the local school trustee or the state superintendent of public instruction shall submit proposed changes to the state board of education. If the changes proposed by such local school trustees or the state superintendent of public instruction are approved by the state board of education the proposal shall become effective under the procedure specified in sections 20 through 24 of this chapter so far as the same are applicable.

(Formerly: Acts 1959, c.202, s.11; Acts 1963, c.180, s.1; Acts 1965, c.336, s.5.) As amended by P.L.20-1984, SEC.62.

IC 20-4-1-31

Donations; power to accept

Sec. 31. Any county committee formed pursuant to the provisions of this chapter and the state board shall have the power to accept donations of money or other articles of value for the purpose of assisting in financing the studies authorized by this chapter.

(Formerly: Acts 1959, c.202, s.12.) As amended by P.L.20-1984, SEC.63.

IC 20-4-1-32

Budgetary request of county committee; tax levy

Sec. 32. (a) For the purpose of defraying the expenses of the county study, a county committee may prepare and submit to the county council on or before August 1 of each year during the life of the committee, a budgetary request. The county council may, upon receipt of such request, establish a uniform ad valorem tax levy on all real and personal property situated within the county, in such amount as shall be sufficient to raise an amount of money not to exceed the amount of such budget request.

(b) The county committee may request from the county council sufficient sums of money necessary to defray legal expenses incident to placing the county plan in operation.

(Formerly: Acts 1959, c.202, s.13; Acts 1963, c.271, s.1.) As amended by P.L.2-1988, SEC.469.

IC 20-4-1-33

Accounting form; audit of county committee financial records

Sec. 33. The state board of accounts shall prescribe accounting forms to be used by the county committees and shall audit the financial records of each county committee not less frequently than once every three (3) years.

(Formerly: Acts 1959, c.202, s.14.)

IC 20-4-1-34

Enforcement of rules; approval of construction and leases

Sec. 34. (a) The state board of education shall enforce the rules compiled under IC 20-1-1-6, which establish procedures and standards for the construction of, addition to, or remodeling of school facilities. The commission shall apply these rules equally to facilities to be used or leased by both community school corporations and school corporations which are not community school corporations.

(b) No school building or addition to a school building may be constructed and no lease of a school building for a term of more than one (1) year may be entered into by a school corporation other than a community school corporation or by two (2) or more school corporations jointly without the approval of the state board of education. For the purposes of this subsection, "community school corporation" shall not include a community school corporation governed by an interim board of school trustees.

(c) No action to question any approval referred to in this section or to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any such approval should not have been granted shall be instituted at any time later than fifteen (15) days after such approval has been granted.

(Formerly: Acts 1959, c.202, s.16; Acts 1961, c.328, s.1; Acts 1965, c.336, s.6.) As amended by Acts 1979, P.L.203, SEC.2; P.L.20-1984, SEC.64.

IC 20-4-1-35

School aid bonds; payments of principal and interest by school corporations

Sec. 35. (1) A reorganization plan may provide that the proposed community school corporation or united school corporation shall pay to each civil township, civil city, or civil town, located therein, which has issued school aid bonds, prior to the due date thereof, amounts sufficient to pay principal and interest on such school aid bonds.

(2) As an alternative to the above provision a reorganization plan may provide for the payment of outstanding school aid bonds of any of the foregoing civil units, by the civil townships located in the territory of such community school corporation or united school corporation with each civil township paying each year a proportionate share of the cost of the payment of the principal and interest of such school aid bonds falling due each year, such proportionate share to be in the proportion that the net assessed valuation of such civil township's taxable property located within the community or united school corporation bears to the total net assessed valuation in such community or united school corporation. Said annual amount shall be paid in semi-annual instalments on the 20th day of June and December of each year to the treasurer of the board of school trustees of the community or united school corporation who shall in turn promptly pay over to the fiscal officer of each civil unit having outstanding school aid bonds an amount sufficient to pay the then next succeeding instalment of principal and interest on said bonds.

(Formerly: Acts 1959, c.202, s.18; Acts 1961, c.322, s.2.)

IC 20-4-1-36

School aid bonds; tax levies to pay for bonds

Sec. 36. If any reorganization plan provides for the payment of school aid bonds as authorized in section 35(1) or section 35(2) of this chapter, each school corporation or civil township which is required to make such payments is hereby authorized and required to include in their annual budgets an amount sufficient to make such payments and to levy a tax therefor which tax in the case of civil townships shall be levied only on the property located within the community or united school corporation (which property shall constitute a special taxing district), which shall be in addition to all taxes heretofore authorized and such levy shall be reviewable by other bodies vested by law with such authority to ascertain that the levy is sufficient to raise the amount required to meet the payments; provided, however, that no payments as above provided for shall be required prior to the first June 20 following the first August 1 after the proposed community school corporation or united school corporation has come into existence.

(Formerly: Acts 1959, c.202, s.19; Acts 1961, c.322, s.3.) As amended by P.L.2-1988, SEC.470.

IC 20-4-1-37

Bond payments for existing school corporations

Sec. 37. In any community or united school corporation formed before March 11, 1961, the civil townships shall make the payments as provided in section 35(2) of this chapter and shall levy taxes as provided in section 36 of this chapter as if such provision had been included in the reorganization plan adopted.

(Formerly: Acts 1959, c.202, s.20; Acts 1961, c.322, s.4.) As amended by P.L.2-1988, SEC.471.

IC 20-4-1-38**Payments from school corporations to civil townships**

Sec. 38. In any community school corporation formed before or after July 26, 1967, the board of school trustees may by resolution provide for making payments to civil townships as provided in section 35(1) of this chapter and shall levy taxes as provided in section 36 of this chapter as if such provision had been included in the reorganization plan adopted.

(Formerly: Acts 1959, c.202, s.20a; Acts 1963, c.358, s.1; Acts 1965, c.336, s.7; Acts 1967, c.248, s.1.) As amended by P.L.2-1988, SEC.472.

IC 20-4-1-39**Invalid school corporations in certain counties; effect on bonds issued**

Sec. 39. In a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000), whenever after April 17, 1963, proceedings have been had in good faith to form a community school corporation by the consolidation of two (2) or more prior-established school corporations, such community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent, which order and decision is not subject to further judicial review, any bonds issued (prior to such final order and decision of the court) in the name of such community school corporation, to provide funds to be applied on the cost of construction and equipment of a school building, shall not be invalid by reason of such final order and decision of the court but shall be and constitute the valid and binding obligation of the prior established school corporation in which territory the school building was or is being constructed, the same as if such bonds had been validly issued in the name of such prior established school corporation. This section shall be applicable only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on such prior established school corporation.

(Formerly: Acts 1959, c.202, s.20c; Acts 1963(ss), c.28, s.1.) As amended by P.L.2-1988, SEC.473; P.L.12-1992, SEC.101; P.L.170-2002, SEC.114.

IC 20-4-1-40**Amendment of plan approved before May 1, 1984**

Sec. 40. Any plan approved by any county committee or committees and by the state board prior to May 1, 1984, may provide for or be amended to provide for delaying the commencement of the terms of some members of the governing body for a period of one (1) year and for extending the terms of their predecessors for one (1) year where this is necessary to prevent a majority of the board from taking office at any one time.

(Formerly: Acts 1959, c.202, s.21; Acts 1961, c.302, s.4.) As amended by P.L.112-1984, SEC.1; P.L.20-1984, SEC.65.

IC 20-4-1-41

Repealed

(Repealed by Acts 1971, P.L.315, SEC.1.)

IC 20-4-1-42

Tie vote in an election; filling vacancies

Sec. 42. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).

(b) This section applies if there is a:

- (1) tie vote in an election for a member of the governing body of a school corporation; or
- (2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

- (1) select one (1) of the candidates who shall be declared and certified elected; or
- (2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

- (1) must satisfy all the qualifications required of a member of the governing body; and
- (2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

*As added by P.L.38-1999, SEC.71. Amended by P.L.170-2002,
SEC.115.*